

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EXELIXIS, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 19-2017 (RGA) (SRF)
v.	)	<b>CONSOLIDATED</b>
	)	
MSN LABORATORIES PRIVATE LIMITED	)	
and MSN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	

**PLAINTIFF EXELIXIS, INC.'S MOTION TO EXCLUDE THE OBVIOUSNESS  
OPINIONS OF JONATHAN STEED AND SALVATORE LEPORE AND ANY  
REFERENCE TO THEM BY OTHER EXPERTS**

Plaintiff Exelixis, Inc. hereby moves, pursuant to Fed. R. Evid. 702, Fed. R. Evid. 403, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589, 592 (1993), to exclude the obviousness opinions of Jonathan Steed and Salvatore Lepore. The grounds for this motion are set forth in Exelixis Inc.'s opening brief in support of this motion.

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*/s/ Anthony D. Raucci*

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March 11, 2022

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*Attorneys for Plaintiff Exelixis, Inc.*

**RULE 7.1.1 CERTIFICATE**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the defendants, including oral communications involving Delaware counsel, and that we have not been able to reach agreement.

*s/ Anthony D. Raucci*

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Anthony D. Raucci (#5948)

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MSN LABORATORIES PRIVATE LIMITED	)	
and MSN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	

**[PROPOSED] ORDER**

WHEREAS, the Court, having considered Plaintiff Exelixis Inc.'s Motion to Exclude the obviousness opinions of Dr. Jonathan Steed and Dr. Salvatore Lepore (filed March 11, 2022), and the related briefing and all arguments thereto;

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2022 that:

Exelixis Inc.'s motion to exclude the obviousness opinions of Dr. Jonathan Steed and Dr. Salvatore Lepore is hereby GRANTED. Dr. Jonathan Steed and Dr. Salvatore Lepore are prohibited from testifying at trial about obviousness.

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Honorable Judge Richard G. Andrews  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 11, 2022, upon the following in the manner indicated:

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